

Art Unit: 1644

### **DETAILED ACTION**

1. Applicant's amendment, filed 09/01/2009, has been entered.  
Claims 1-25, 27-28, 32, 34-35, 44-46 and 61 have been canceled.  
Claims 26 and 33 have been amended.  
Claims 26, 29-31, 33, 36-43 and 47-60 are pending.

Applicant's Second Supplemental Amendment, filed 12/21/2009, has been entered.  
It is noted that this Second Supplemental Amendment has incorporated the previous amendments, filed 09/01/2009.

Claims 1-25, 27-28, 32, 34-35, 39-52 and 61 have been canceled.  
Claims 26, 33 and 53-60 have been amended.  
Claims 26, 29-31, 33, 36-38 and 53-60 are pending.

### **EXAMINER'S AMENDMENT**

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

3. The title has been replaced with:  
-- ANTIBODIES THAT BIND HUMAN IL-18 AND METHODS OF INHIBITING IL-18  
ACTIVITY --

### **REASONS FOR ALLOWANCE**

4. The following is an Examiner's Statement of Reasons for Allowance:

Upon reconsideration of applicant's amended claims, filed 09/01/2009 and 12/21/2009, the previous rejections under 35 U.S.C. § 112, first paragraph, 35 U.S.C. § 103(a) and judicially created doctrine of obviousness-type double patenting have been withdrawn.

As indicated previously, due to high polymorphism of antibodies, the claimed anti-IL-18 antibodies are deemed structurally distinct on the primary amino acid basis. The claimed anti-IL-18 antibodies do not appear to be known or taught in the prior art. The prior art neither suggests or teaches anti-IL-18 antibodies having the exact chemical structure of the claimed anti-IL-18 antibodies. Accordingly the claims of this application are deemed allowable.

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Claims 26, 29-31, 33, and 36-38 are allowable. Claims 53-60, previously withdrawn from consideration as a result of a restriction requirement, are all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), the restriction requirement between inventions, as set forth in the Office Action mailed on 12/18/2001, is hereby withdrawn and claims 53-60 are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See In re Ziegler, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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